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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|

09/277,598 03/26/99 LITVIN

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QM02/0228

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| EXAMINER |
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TYLER, C

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| ART UNIT | PAPER NUMBER |
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3746

DATE MAILED: 02/28/01

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/277,598

Applicant(s)

LITVIN, CHARLES

Examiner

Cheryl J. Tyler

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3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 07 August 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plunkett et al. (4,636,669) in view of Corcoran, Jr. et al. (5,955,955). Plunkett et al. teach a fan 10 having a housing 12 "which may be made of a single molded piece of plastic or a diecast piece of metal" (column 3, lines 16-18); internal ribs 82 (corresponding to the claimed grill) on the housing (through member 14); a circular frame member 32 (corresponding to the claimed electrically insulating ring) connected to mounting brackets (unnumbered, but clearly shown in Figure 5); and "smoothly curved air flow plenum portions 33 for boosted pressure recovery and hence improved efficiency" (column 3, lines 29-31). Plunkett et al. teach that the frame member 32 and motor mounting member are integrally connected, and a fan motor 18 is carried on the central mounting member. According to Plunkett et al., "Strut members 22-29 are provided, connecting and supporting peripheral frame member 32 and motor mounting member 14 together, typically as an integrally molded piece" (column 3, lines 18 and 25-28).

While Plunkett et al. teach most of the limitations of the claims, including mounting brackets, they do not explicitly teach that the mounting brackets are spaced,

vertical metal brackets. Corcoran, Jr. et al. teach a pair of spaced vertical fan prongs 41 (corresponding to the claimed mounting brackets) for mounting a fan in a computer (see column 3, lines 61-65). Corcoran, Jr. et al. teach that a vertical mounting configuration enhances the computer's ventilation and thus lessens the chance of computer failure. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use spaced vertical fan prongs, as taught by Corcoran, Jr. et al., in the Plunkett et al. invention in order to ensure that the cooling fan advantageously improves the computer's ventilation.

While Corcoran, Jr. et al. does not explicitly teach that the mounting brackets are metal, it would have been known to the ordinarily skilled artisan to fabricate the components out of metal because it is easy to work with and readily available.

### ***Allowable Subject Matter***

3. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Krell (3,310,698) and McAnally et al. (5,788,566) teach mounting means for a computer's cooling fan

- Lasko (2,867,377) and Keem et al. (4,120,615) teach insulation means for a box fan.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-5 have been considered but are not persuasive in view of the new ground(s) of rejection. Since the applicant has not had an opportunity to respond to the new grounds of rejection, this Office Action is non-final to afford him an opportunity to respond.

### ***Remarks***

6. While the rectangular fan taught by Plunkett et al. and Corcoran, Jr. et al. are different from the box fan disclosed in the instant application, the fan, nevertheless, reads on the claims, as recited. The applicant is encouraged to narrow his claims to meet with the invention as disclosed.

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl J. Tyler whose telephone number is 703-306-2772. The examiner can normally be reached on Monday-Thursday, 7:00 - 4:30.

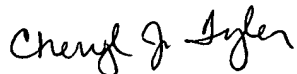
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 703-308-0102. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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305-3588 for regular communications and 703-305-3588 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

  
Cheryl J. Tyler  
Examiner  
Art Unit 3746

CJT  
February 13, 2001